

REMARKS

Claims 49-50, 54-55, 72 and 92-93 are pending in the subject application. By this amendment, Claims 49-50, 54-55, 72 and 92-93 have been amended. Applicant maintains that the amendments do not raise an issue of new matter. Support for the amendments can be found at least in the previous version of the claims. Accordingly, entry of the amendments is respectfully requested.

Rejections under 35 U.S.C. §103(a)

1. Claims 49 and 50 are rejected as being unpatentable over Müller (Expert Opinion on Pharmacotherapy 3: 381-8, 2002) in view of Permax® prescribing information (2003).
2. Claims 54, 55, 92 and 93 are rejected as being unpatentable over Müller in view of Silver et al. (Neurology Vol. 50, Suppl. 6, pp S18-22, 1998).
3. Claim 72 is rejected as being unpatentable over Müller in view of Nystrom et al. (US 5,635,213).

Applicant understands that all of these rejections are predicated on the recitation in the previous version of the claims that allowed for “separate or sequential” use of the recited compounds. The claims have herein above been amended to no longer recite “separate or sequential” use. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Status of U.S. Patent Family Members

Applicant would also like to advise the Examiner of the status of co-pending patent family members.

1. U.S. Patent Application No. 10/725,965. The claims have been subject to a

Applicant: Erik Buntinx
Serial No.: 10/803,793
Filed: March 18, 2004
page 6 of 7

restriction requirement. Office Actions on the merits of the application issued on January 23, 2008 and September 15, 2008.

2. U.S. Patent Application No. 10/752,423. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on October 2, 2007 and May 13, 2008.

3. U.S. Patent Application No. 10/984,683. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on August 10, 2007, February 22, 2008, and October 21, 2008.

4. U.S. Patent Application No. 10/580,962. An examination report has not yet issued in connection with this application.

Supplemental Information Disclosure Statement

This Supplemental Information Disclosure Statement (SIDS) is being submitted pursuant to 37 C.F.R. §1.97(c)(2) to supplement the IDSs filed on April 4, 2008, August 21, 2007, April 11, 2007 and August 10, 2005 in connection with the subject application.

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references that are listed on the attached forms PTO/SB/08A-B. A copy of each non-U.S. patent documents is also attached.

Applicant: Erik Buntinx
Serial No.: 10/803,793
Filed: March 18, 2004
page 7 of 7

CONCLUSIONS

In view of the preceding amendments and remarks, applicant respectfully requests that the Examiner reconsider and withdraw the rejections set forth in the September 2, 2008 Office Action, and earnestly solicits allowance of the claims under examination. If there are any minor matters preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

A check for \$180.00 is enclosed for the fee for submitting an IDS. No other fee is deemed necessary in connection with the filing of this reply. However, if any other fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Please credit any overpayment to Deposit Account No. 01-1785.

Respectfully submitted,

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New York, New York

By


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